



DA C 72 ✓

PTO/SB/64 (04-07)
Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
4369-031374

First named inventor: Mario Reyes SALINAS

Application No.: 10/626,316

Art Unit: 1651

Filed: July 24, 2003

Examiner: Susan Emily FERNANDEZ

Title: Bactericidal, Bacteriostatic and Fungicidal Composition, Comprising Two or More Live Species of Trichoderma and Its Preparation Procedure, and a Composition Based on Latex for a Pruning Cicatrizing That Includes a Latex Base and a Composition of Two or More Live Species of Trichoderma

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Amendment (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

07/20/2007 SSITHIB1 00000035 10626316

01 FC:2453

750.00 0P

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

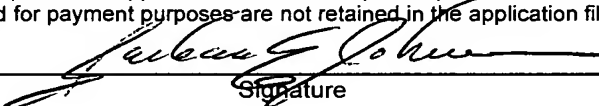
3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


 Signature

July 16, 2007

Date

Barbara E. Johnson

Typed or printed name

31,198

Registration Number, if applicable

The Webb Law Firm, 700 Koppers Building, 436 Seventh Avenue

Address

412-471-8815

Telephone Number

Pittsburgh, PA 15219

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: _____**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

July 16, 2007

Date


 Signature

Lisa A. Miller

Typed or printed name of person signing certificate

Application No. 10/626,316
Paper dated July 16, 2007
Attorney Docket No. 4369-031374



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/626,316 Confirmation No. : 1946
Applicants : Mario Reyes SALINAS et al.
Filed : July 24, 2003
Title : **Bactericidal, Bacteriostatic and Fungicidal Composition, Comprising Two or More Live Species of Trichoderma and Its Preparation Procedure, and a Composition Based on Latex for a Pruning Cicatrizing That Includes a Latex Base and a Composition of Two or More Live Species of Trichoderma**
Group Art Unit : 1651
Examiner : Susan Emily FERNANDEZ
Customer No. : 28289

MAIL STOP: PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO REVIVE PURSUANT TO 37 C.F.R. § 1.137(b)

Madam:

Applicants hereby submit this Petition to Revive in connection with the above-captioned patent application. The entire delay in filing the required documents to prevent the abandonment of the application due to the passing of the statutory six-month period until the filing of this grantable Petition pursuant to 37 C.F.R. § 1.137(b) was unintentional.

Concurrently with this Petition, Applicants submit:

- (1) an Amendment in Response to the Office Action dated November 30, 2006.
- (2) a Request for Continued Examination ("RCE"); and
- (3) a check in the amount of \$1,145 for the government fee for this Petition (\$750), and the RCE (\$395).

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 16, 2007.

Lisa Miller

(Name of Person Mailing Paper or Fee)

Signature

07/16/2007

Date

STATEMENT

Applicants respectfully submit that the entire delay in filing the required documents to prevent the abandonment of the application due to the passing of the statutory six-month period until the filing of this grantable Petition under 37 C.F.R. § 1.137(b) was unintentional and request the revival of the application for unintentional abandonment.

REQUEST FOR CONTINUED EXAMINATION

Pursuant to 37 C.F.R. § 1.114, Applicants request that the Examiner consider the Amendment dated July 13, 2007 as a submission with respect to the filing of the concurrently submitted RCE together with the government fee of \$395 in accordance with 37 C.F.R. § 1.17(e).

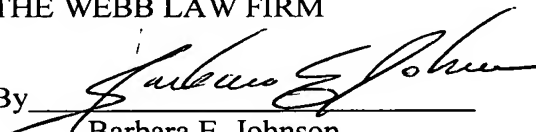
CONCLUSION

Applicants respectfully request that this Petition be granted for unintentional abandonment and that thereafter, prosecution of the application continue based upon the amendments and arguments set forth in the concurrently submitted Amendment.

A check in the amount of \$1,145 is submitted for the government fees associated with the Petition to Revive and the RCE. If any further fees are necessary, the Commissioner for Patents is hereby authorized to charge any additional fees to Deposit Account No. 23-0650. Similarly, Applicants respectfully request any overpayment to be credited to the aforementioned deposit account. A favorable decision is respectfully requested. The original and two copies of this submission are enclosed.

Respectfully submitted,

THE WEBB LAW FIRM

By 

Barbara E. Johnson
Registration No. 31,198
Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, Pennsylvania 15219
Telephone: 412-471-8815
Facsimile: 412-471-4094
E-mail: Webblaw@webblaw.com